

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**AVANTE INTERNATIONAL
TECHNOLOGY,**

Plaintiff,

v.

HART INTERCIVIC, INC.,

Defendant.

No. 07-cv-0169-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Hart Intercivic, Inc.'s motion to strike Plaintiff's reply in support of its claim construction brief for U.S. Patent No. 7,036,730, U.S. Patent No. 6,892,944 and U.S. Patent No. 7,077,313 (Doc. 62). Specifically, Hart argues that the reply should be stricken because it violates the Local Rules in that it is twice as long as the Local Rules allow and that Avante filed it without leave of the Court. Avante opposes the motion (Doc. 66).

Local Rule 7.1(c) states in part: "Reply briefs are not favored and should be filed only in exceptional circumstances." **Local Rule 7.1(d)** further provides: "Reply briefs shall not exceed five (5) pages. **Requests for additional time and/or pages are not favored.**" Here, Avante's reply is twelve pages long (counting the certificate of service page) and Avante did not seek leave of the Court to file the oversized brief. Clearly, Avante violated the Local Rules of the Court. Accordingly,

the Court **GRANTS** Hart's motion to strike and **STRIKES** Avante's reply in support of its claim construction brief for U.S. Patent No. 7,036,730, U.S. Patent No. 6,892,944 and U.S. Patent No. 7,077,313 (Doc. 60).

IT IS SO ORDERED.

Signed this 21st day of July, 2008.

/s/ David R. Herndon

Chief Judge
United States District Court